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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SONYA RENEE *et al.*,

Plaintiffs,

v.

MARGARET SPELLINGS, in her official capacity;
UNITED STATES DEPARTMENT OF EDUCATION,

Defendants.

Case No. 07-04299 PJH

**(PROPOSED) ORDER GRANTING
PLAINTIFFS LEAVE TO PROCEED
USING FICTITIOUS NAMES AND TO
SUBMIT DECLARATIONS UNDER
SEAL**

Civil Local Rule 79-5(c)

Time: 9:00

Date: January 30, 2008

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The Court has considered plaintiffs' motion for leave to proceed using fictitious names and to submit the declarations of Jane Doe and N. Doe under seal, as well as the declarations and exhibits filed in support. In the Ninth Circuit, the applicable legal standard for determining whether or not a plaintiff may proceed anonymously is the five factor balancing test set forth in *Doe v. Advanced Textile Corporation*, 214 F.3d 1058 (9th Cir. 2000). Because (1) the threatened harm to plaintiffs—deportation, loss of jobs, and separation from their families—is severe; (2) plaintiffs' fear of retaliation is reasonable; (3) plaintiffs are particularly vulnerable where the defendant is the federal government, the entity responsible for enforcement of immigration laws; (4) allowing the plaintiffs to proceed anonymously will not prejudice defendants; and (5) this case presents an important question of public interest regarding educational rights that weighs in favor of permitting plaintiffs to proceed anonymously, (*see, e.g., Plyler v. Doe*, 457 U.S. 202 (1982)), the Court finds that all five *Advanced Textile* factors weigh in favor of permitting plaintiffs to proceed as Does. Good cause therefore appearing,

THE COURT IN ITS DISCRETION HEREBY ORDERS THAT:

1. All pleadings and other documents in the public record of this case contain no reference to the actual names of the Doe plaintiffs and their *guardians ad litem*;

2. Plaintiffs Jane Doe, N. Doe, and B. Doe are permitted to proceed in this action under fictitious names and may file a portion of their declarations in this action under seal;

3. The clerk of the court seal those portions of the declarations of Jane Doe and N. Doe referring to the actual names of these plaintiffs;

4. This case shall be referred to and captioned as SONYA RENEE; CANDICE JOHNSON, a minor, by Sonya Renee, her guardian ad litem; MARIBEL HEREDIA; JOSE ALDANA, a minor, by Maribel Heredia, his guardian ad litem; N. DOE; B. DOE, a minor, by N. Doe, her guardian ad litem; MARIEL RUBIO; DANIELLE RUBIO, a minor, by Mariel Rubio, her guardian ad litem; STEPHANIE RUBIO, a minor, by Mariel Rubio, her guardian ad litem; GUADALUPE GONZALEZ; DAISY GONZALEZ, a minor, by Guadalupe Gonzalez, her guardian

ad litem; JAZMINE JOHNSON, a minor, by Deanna Bolden, her guardian ad litem; ADRIANA RAMIREZ, a minor, by Arcelia Trinidad Ramirez, her guardian ad litem; JANE DOE, a minor, by John Doe, her guardian ad litem; CALIFORNIANS FOR JUSTICE EDUCATION FUND; CALIFORNIA ASSOCIATION OF COMMUNITY ORGANIZATIONS FOR REFORM NOW v. MARGARET SPELLINGS, in her official capacity; UNITED STATES DEPARTMENT OF EDUCATION.

5. All parties, and their legal successors, agents, representatives, or attorneys, are prohibited from disseminating to third parties (including, but not limited to, employees of other Departments or Agencies of the United States) any information obtained through this litigation, other than information about an individual's immigration status. This prohibition shall include, but is not limited to, information concerning the actual names of plaintiff Jane Doe, her *guardian ad litem* John Doe, plaintiff N. Doe, and plaintiff B. Doe, the schools the plaintiffs attend, the teachers assigned to teach them, the plaintiffs' grade level or subject level, and the plaintiffs' city and county of residence.

IT IS FURTHER ORDERED THAT:

1. This order shall be binding on any other party or parties hereto, including amicus curiae, that may appear or may be added. It shall be the obligation of counsel for plaintiffs to transmit a copy of this order to any such parties at the earliest possible time.

2. If any party believes that this order is being violated by any person subject to it, the party may apply to this court for appropriate relief.

3. Upon proper motion by any party, this order is subject to further modification by the court as necessary or appropriate.

Dated: _____

THE HONORABLE PHYLLIS J. HAMILTON